

REMARKS

Applicant has filed the present Response in reply to the outstanding Official Action of November 25, 2005, and Applicant believes the Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

Applicant would like to note that Claims 9, 11, 12 and 16 have been amended herewith. Claims 9 and 11 have been amended to specify that the decoder generates the quality data (Claim 9) and generates the received data (Claim 11). Claim 9 has also been amended to clarify the quality data. Claim 12 has been similarly amended to clarify the quality data. Claim 16 has been amended to recite that the correction signal is supplied to the subtracter and to a control unit.

These amendments do not add any new matter as such amendments are fully supported by the specification. For example, support can be found in Figures 1 and 2.

In the Official Action, the Examiner rejected Claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by Fukushi (U.S. Patent No. 5,793,250) (hereinafter "Fukushi").

With respect to Claim 1, the Examiner avers that Fukushi discloses a phase modulator that selectively uses either a first or second detector. Fukushi discloses two phase-distortion calculators 17 and 26 that allegedly generate a first and second quality data. The first and second detectors are in parallel. Further, according to the Examiner, the relay 30 and the comparator 29 read on the claimed control unit.

Applicant respectfully disagrees with the rejection and traverses with at least the following analysis.

Applicant submits that it is not clear from either the rejection or the reference that the first quality data, second quality data and received data are transferred **as demodulated data to a control unit** as specifically claimed.

In a disclosed embodiment, the specification describes that the first decoder transfers the upper two bits and the lower three bits as received data and quality control data to the control unit. The control unit executes a computation process on the quality data. The second decoder converts the lower three bits of its input data as quality data and transfers this data to the control unit. Therefore, **both the first and second quality data and the received data are transferred to the control unit as demodulated data.** The second quality data is used to drive the AFC unit.

Pro arguendo, assuming the Examiner's interpretation of the detectors 17 and 26 outputting the claimed first and second quality data, these outputs are not transferred to the control unit, i.e., 29 and 30, as demodulated data. At best, the outputs are transferred to "integrators 19 and 27" and then to the divider to calculate a phase distortion value. However, the demodulated data is output from the phase discriminator 31. Furthermore, at best, only one of the two signals are transferred to the control unit, i.e., 29 and 30 based upon a control or switching signal.

Accordingly, Applicant submits that the reference does not teach that the first quality data, second quality data and received data are transferred as demodulated data to a control unit. Therefore, Claim 1 is patentably distinct from the cited reference as the reference does not teach or suggest each and every limitation of the claim.

Claims 2-5 are patentable based upon their dependency from Claim 1 and based upon the reasons identified above.

With respect to Claim 6, Applicant submits that Fukushi fails to teach or suggest the features of "the second data generating means including a correcting circuit for correcting the received signal frequency data, and a **decoder** for generating the second quality data and

received data on the basis of new frequency data obtained in the correcting circuit" as specifically recited.

The Examiner avers that the subtracter 26b is the claimed decoder. Applicant respectfully disagrees with this contention. The reference states that the second detector 26 has a latch circuit and a subtracter 26b. The detector 26 performs a differential detection operation for the compensated value output from the correction circuit. In other words, the detector calculates the angle difference between the n th symbol and the $n-1$ th symbol. The subtracter performs a subtraction to obtain an angle difference, whereas in contrast the claim recites a decoder which performs a decoding or generating function. Clearly one of ordinary skill in the art would not confuse a subtracter with a decoder. In fact, the subtracter 26b appears to be similar to the first subtracter depicted in Figure 1.

Therefore, the reference fails to teach, suggest or render obvious each and every limitation of independent Claim 6 and, thus, the claim is patentably distinct from the cited reference.

Claim 7 is patentable for the same reason as Claim 6.

In addition to being patentably distinct from the cited reference based upon the above-identified reasons, Claim 8 is further patentably distinct from the reference based upon the following additional analysis.

Fukushi fails to teach or suggest the features of "wherein the second quality data is used as line control data" as recited in the claim.

The Examiner avers that the reference discloses that the output from the integrater is used to drive a switch that selects one output from two inputs to transmit the one output to the phase discriminator. Applicant respectfully disagrees. First, the second quality data is not output from

the integrater. In fact, the Examiner admits that the coherent detector 26 outputs the second quality data. Second, the result of the comparison between the first output and the second output is used to drive the switch, not the second quality data.

In contrast, in a disclosed embodiment, the control unit 109 makes the second quality data to be a data means for line control in the portable telephone set.

Therefore, the reference does not teach all of the limitations of the claim, and Claim 8 is patentably distinct from the reference.

With respect to Claims 9 and 11, Fukushi fails to teach or suggest the features of "a **decoder** for generating quality data on the basis of new frequency data obtained in the correcting means ", as recited in Claim 9 and "the **decoder** generates received data on the basis of the new frequency data", as recited in Claim 11.

In contrast, the reference describes that either the phase discriminator or integrater performs the generating function, rather than a decoder. The phase discriminator or integrater is not a known equivalent of a decoder.

Therefore, the reference does not teach all of the limitations of the claims, and Claims 9 and 11 are patentably distinct from the reference.

Claims 10, and 12-14 are patentable for the same reasons as independent Claim 9.

The Examiner rejected Claim 16 as being anticipated by the Applicant's admitted prior art ("AAPA"). Applicant submits that the AAPA fails to teach or suggest the feature of supplying the correction signal **to said subtracter and to a control unit**.

As depicted in Figure 7, i.e., AAPA, the correction signal is only supplied to the subtracter and not to the control unit. However, in the claimed invention the correction signal is

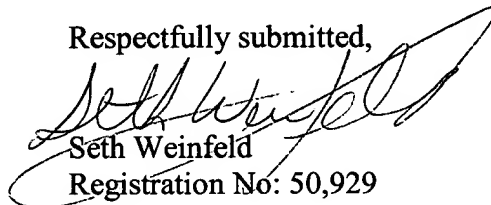
supplied to both the subtracter and to a control unit. The claimed invention has an advantage of allowing for AFC correction immediately.

Accordingly, Claim 16 is patentably distinct from the cited reference.

For all the foregoing reasons, the Applicant respectfully requests the Examiner to withdraw the rejections of Claims 1-16 pursuant to 35 U.S.C. § 102(e).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Seth Weinfeld', is written over the typed name and registration number.

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